

NOTICE OF PUBLIC HEARING
CITY AND COUNTY OF HONOLULU
DEPARTMENT OF COMMUNITY SERVICES (DCS)

The City and County of Honolulu, Department of Community Services, will hold a public hearing to receive testimony on proposed amendments to its administrative rules and significant amendments or modifications to the Public Housing Agency (PHA or Agency) Plan relating to the following programs:

- Section 8 Tenant Based Rental Assistance and Moderate Rehabilitation; and
- Section 8 Family Self-Sufficiency Program

PHA Plan Significant Amendments or Modifications

In accordance with 24 Code of Federal Regulations (CFR) 903.13, 903.15, and 903.17, the PHA must allow the public to comment on significant amendments and modifications to the Annual or 5-year PHA Plan. The Agency's definition of significant amendments or modifications is any changes to the eligibility, selection, and admission policies and the Family Self-Sufficiency (FSS) Program.

Format Changes

The Section 8 Family Self-Sufficiency (FSS) Program rules are being renumbered, amended, and compiled to follow the numbering convention, style and format mandated in Chapter 91, Hawaii Revised Statutes, as amended ("HRS"). Chapter 2 is being renumbered as Chapter 11.

Substantive Changes

1. Chapter 2 - Family Self-Sufficiency (FSS) Program

- Section 2-3, Definitions, is amended by (1) adding a definition for the acronym CFR as the Code of Federal Regulations; (2) adding a definition of FUP Youth as a person who, at the time of admission is between 18 and 24 years old and the person left foster care at 16 years or older and will leave foster care within 90 days, is homeless or at risk of becoming homeless and is a participant of the Family Unification Program; (3) and deleting the definition for the acronym HPHA as the Hawaii Public Housing Authority.
- Section 2-4, Administration of the FSS Program, is amended by deleting the descriptions of entities comprising the program coordinating committee and by deleting reference to Hawaii Public Housing Authority in the development of the Action Plan.
- Section 2-5, Notice of Availability/Invitation to Participate, is amended by removing express reference to special-needs accommodations noted elsewhere.
- Section 2-6, Family Selection Procedures, is amended by revising the terms used to describe nondiscriminatory selection to include race, color, gender, religion, familial status, disability, age, marital status, ancestry, national origin or sexual orientation.
- Section 2-7, Selection Preference, is amended by

(i) Adding as first priority Family Unification Program Youth (FUP Youth) followed by families who are participating in an FSS Program from another housing authority who move into the Agency's jurisdiction.

(ii) Deleting the procedure that (1) the agency will give preference for 50% of slots for families with members enrolled in or on the waiting list of any FSS related self sufficiency program in the Action Plan; (2) families participating in the FSS program from another PHA who move into the agency's jurisdiction will be allowed to participate if available slots exist; (3) during the initial recruitment, if there are more families than available slots, a lottery will be conducted to determine the participant's placement on the FSS waiting list; (4) subsequent FSS applications will be placed on the FSS waiting list by date and time of receipt of the application; and (5) if unavailable services were determined to be integral to the FSS Family's advancement toward Self-Sufficiency and the Agency declared the contract null and void, the family will be allowed re-entry in FSS when resources are available and offered the next FSS slot.

- Section 2-9, Contract of Participation, is amended by deleting the provision requiring the agency to declare the contract of participation null and void if the unavailable services are integral to the family's progress and allowing the family to reenter FSS in the next slot when resources are available, and adding a statement that FUP Youth may be terminated from Section 8 assistance if the contract of participation is terminated.
- Section 2-10, FSS Escrow Account, is amended by deleting the provision which allows for interim disbursements of escrow.

2. Chapter 10 - Tenant Based Rental Assistance and Moderate Rehabilitation Program

- Section 8-10-2, Definitions, is amended by
Amending the definition of "assets" to the definition stated elsewhere in the rules; Adding a definition of "earned income disallowance" as a program that allows eligible participant persons with disabilities who have been out of work to accept a job without increasing the "family share"; Adding a definition for "Violence Against Women Act or VAWA" as the Act at 42 U.S.C. 13925 and 42 U.S.C. 14043e et seq., 24 C.F.R. part 5, subpart L; and Deleting the definitions of "net family assets" and "utility reimbursement."
- Section 8-10-6, Family Income, is amended as follows:
 - i. Adding a requirement for third party verification for fixed income in the first year and allowing in the second and third year, income may be adjusted by a Cost of Living Adjustment (COLA) or current interest rate or participant-provided third-party generated documentation.
 - ii. Amending the definition of "assets" to mean generally all property owned that has value and is available to meet debts, commitments or legacies.
 - iii. Adding a limit for the Earned Income Disallowance (EID) to a single consecutive 24-month period with all qualifying earned income within the straight 24-month period excluded.

- iv. Adding a requirement that at admission, the family is required to provide third-party verification of all assets, or document why third party verification is not available, and adds that for the next two years, assets less than \$5,000 may be self-certified.
- Section 8-10-9, Establishment of a Waiting List, is amended by adding a provision that FUP-eligible applicants shall be placed on the waiting list by date and time of application and adding that each family shall be placed on the Moderate Rehabilitation waiting list by date and time of application.
- Section 8-10-10, Issuance of Voucher, is amended by adding to the existing preferences a broad category for elderly, disabled and displaced families, and families certified as receiving housing assistance through a program for the homeless administered by the City and County of Honolulu. The homeless families sub-preference is limited to no more than 25% of the vouchers issued within a given year. Preferences are being deleted for families assisted under either a HUD program for the homeless or a government-funded program for disabled families, who:
 - a. are deemed to be in a stable situation by the organization administering the program;
 - b. are meeting the program requirements;
 - c. have been receiving supportive services; and
 - d. will continue to receive supportive services.Section 8-10-10 is also amended by adding a requirement that the Agency provide VAWA information to all applicants approved for admission.
- Section 8-10-12, Subsidy Standards/Occupancy Standards, is amended by adding authorization for the Agency to approve a payment standard of not more than 120% of the Fair Market Rent as a reasonable accommodation for a family that includes one or more persons with a disability and requiring the Family to submit a written request and supporting documentation from a certified healthcare professional.
- Section 8-10-15, Request for Tenancy Approval, is amended by authorizing the Agency to allow the owner and family to self-certify that all deficiencies have been repaired and provides that if the owner or family falsely self-certifies that deficiencies were corrected, the Agency may disapprove the lease, abate housing assistance payments, and/or terminate the Housing Assistance Payment (HAP) contract.
- Section 8-10-19, Continued Eligibility and Interim Reexamination, is amended by adding to those who may commit or threaten violence, an affiliated individual defined in regulations related to the Violence Against Women Act, and adding that if the family break-up is due to activity under VAWA, the lease may be bifurcated.
- Section 8-10-23, Denial or Termination of Assistance by Agency, is amended by adding a requirement that the Agency provide VAWA information to all applicants denied admission and all participants terminated from the program; and adding to those who must be terminated from the program a participant enrolled in a special Voucher program having a Voucher that has expired.

A public hearing will be held:

Date: Wednesday, July 12, 2017 Time: 10:00 a.m.

Place: Department of Community Services

**51 Merchant Street, 1st Floor Conference Room
Honolulu, Hawaii 96813**

Copies of the proposed rules and amendments are available for review at the program website at <https://www.honolulu.gov/cms-dcs-menu/site-dcs-sitearticles/1795-cad-plans-and-rules.html> and at the addresses below during normal business hours: Monday through Friday except state holidays, from 7:45 a.m. to 4:30 p.m. Copies will be mailed to any interested person who requests a copy from DCS.

- Section 8 Offices located at 842 Bethel Street, 1st Floor, Honolulu; -
Kapolei Hale, 1000 Ulu`ohi`a Street, #118, Kapolei;
- Community Assistance Division Office located at 51 Merchant Street, 2nd Floor, Honolulu;
- Municipal Reference Center, 558 South King Street, Honolulu; and
- Department of Customer Services, 550 South King Street, Honolulu.

All interested persons are invited to express their views on this matter. Written and oral testimony will be accepted at the hearing. Testimony will also be accepted through mail, fax, or email received by 4:30 p.m. on Friday, July 21, 2017.

It is the policy of DCS to comply with all of the requirements of the Americans with Disabilities Act. The above facility is accessible. For sign language interpreters, assistive listening devices, or materials in accessible format, please contact George Leong at (808)768-7098 at least six days in advance.

Gary K. Nakata, Director
Department of Community Services
City and County of Honolulu



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